

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS

In Re:

Case No.: 10-03225

Debtor

Chapter: 0

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**NOTICE AND ORDER REGARDING EXCHANGING OF EXHIBITS AND WITNESS LISTS IN ALL  
CONTESTED MATTERS AND ADVERSARY PROCEEDINGS**

In order to avoid trial by ambush, the Court issues this Notice and Order Regarding Exchanging of Exhibits and Witness Lists in all Contested Matters and Adversary Proceedings.

Counsel for each party shall exchange exhibits at least 72 hours prior to the scheduled time of the hearing or trial. For example, if a hearing is scheduled for a Monday at 10:00 a.m., then counsel for each party must exchange exhibits by no later than 10:00 a.m. on the previous Friday. **Failure to timely provide exhibits to opposing counsel will be grounds for the Court to deny the introduction of all or any of the exhibits.**

Counsel for each party shall also exchange witness lists at least 72 hours prior to the scheduled time of the hearing or trial. **Failure to timely provide witness lists to opposing counsel will be grounds for the Court to deny testimony from any or all witnesses.**

If counsel intends to use hard copy exhibits at the hearing or trial, then counsel must deliver hard copy exhibits to opposing counsel; a disk will not suffice. Conversely, if counsel intends to use technology in the courtroom by putting the exhibits on a disk so that exhibits may be shown on the screens in the courtroom, then counsel must deliver a disk to opposing counsel; and this disk must contain the exhibits in the same order as they are contained on the disk to be used in the courtroom. **Failure to comply with these instructions will be grounds for the Court to deny the introduction of all or any of the exhibits.**

If counsel prefers to introduce hard copy exhibits, then all exhibits should be in a 3 ring notebook, with each exhibit tabbed and marked. All exhibits must be legible. An exhibit list must be included in the notebook; this list must briefly describe all exhibits. Each counsel must bring at least five exhibit booklets to the hearing: one for the court; one for the courtroom deputy; one for the witness box; one for opposing counsel; and one for counsel herself/himself. **Failure to bring to the courtroom the requisite number of exhibit booklets, with properly tabbed and marked exhibits, will be grounds for the Court to deny the introduction of all or any of the exhibits.**

If counsel has identified expert witnesses on the witness list, then counsel must ensure that the written reports of the expert witnesses are timely provided to opposing counsel, and are also included in the exhibit booklet or, if counsel is using a disk, in the disk containing all exhibits. **Failure to comply with these instructions will be grounds for the Court to deny the testimony of the expert witness(es).**

**If a hearing is held on an emergency basis,** then all of the above referenced procedures shall apply except that counsel must exchange all exhibits (in the same form that they will be used at the hearing) and witness lists not later than 24 hours prior to the time that the hearing is scheduled to begin. A hearing is only held on an emergency basis if the order setting the hearing expressly states that the hearing is an emergency hearing.

It is so ORDERED.

Signed and Entered on Docket: 5/10/11



JEFF BOHM  
United States Bankruptcy Judge